IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.2812 OF 2005

Shri Hiryanna S. Shetty ..Petitioner
Versus
State of Maharashtra and Ors. .. ..Respondents

Mr. D.B.Sawant for Peitioner
Ms Geeta Shastri, AGP for respondents

CORAM : P.V.KAKADE, J.

DATE : 7TH DECEMBER,2005

P.C.:

1. Heard the learned counsel for both the parties. Perused the record.

2. Rule, rule made returnable forthwith by consent.

3. The Petitioner has challenged the Order passed by Dy. Chief Minister (Home) dated 29th October, 2005 cancelling the licence of the Petitioner to keep the place for public entertainment. The record shows that the show cause notice was issued on 16.6.2004 to which the petitioner replied. However, the Police

Commissioner passed final order dated 9.9.2004 suspending the licence for 60 days continuously. Against which an appeal was preferred before the Dy. Chief Minister (Home). In the course of the proceeding the Dy. Chief Minister (Home) proceeded and cancelled the licence, which in my view, appears to be without proper hearing, as can be seen from the record.

. Under the circumstances, I agree with both the parties that the matter should be adjudicated afresh in the interest of justice. Hence, the impugned order passed by the Dy. Chief Minister (Home) dated 29th October, 2005 is hereby set aside and the matter is remanded to the concerned authority for hearing afresh and giving opportunity to the petitioner to be heard personally in the matter. The matter to be disposed of by the concerned authority within 12 weeks from the date of receipt of Writ of this Court. With this direction the petition stands disposed of. Rule stands discharged.

4. Pending the hearing by the concerned authority the Stay granted by this Court by order dated 1st November, 2005 shall stands continued.